

## UNITED STATES DISTRICT COURT

for the

Eastern District of Washington

DAVID BERGER and AMBER BERGER, individually  
and as Personal Representatives of the Estate; THE  
ESTATE OF WILLIAM SAGE BERGER,

*Plaintiff*

v.

SPOKANE COUNTY, political subdivision of the State of  
Washington; OZZIE KNEZOVICH, individually and in  
his capacity as Sheriff of Spokane; SHAWN AUDIE and  
STEVE PAYNTER; JOHN DOES 1-10;

*Defendant*

Civil Action No. 2:15-CV-140-RMP

## JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

☐ the plaintiff (*name*) \_\_\_\_\_ recover from the  
defendant (*name*) \_\_\_\_\_ the amount of  
\_\_\_\_\_ dollars (\$ \_\_\_\_\_), which includes prejudgment  
interest at the rate of \_\_\_\_\_ %, plus post judgment interest at the rate of \_\_\_\_\_ % per annum, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) \_\_\_\_\_  
\_\_\_\_\_ recover costs from the plaintiff (*name*) \_\_\_\_\_.

☒ other: Defendant's motion for summary judgment (ECF No. 24) is GRANTED IN PART and DENIED IN PART as follows:  
1.) Plaintiffs' Section 1983 Fourth Amendment excessive force claims against Deputies Audie and Paynter shall proceed to trial; 2.) Plaintiffs' negligence claims against Deputies Audie and Paynter, and *respondeat superior* claim against the County, shall proceed to trial; 3.) Plaintiffs' Fourteenth Amendment due process claims are dismissed; 4.) Plaintiffs' Eighth Amendment claims are dismissed; 5.) Plaintiffs' *Monell* liability claims against the County and Sheriff Knezovich are dismissed; 6.) All claims against Sheriff Knezovich in his personal capacity are dismissed; and 7.) Plaintiffs' claims against all Doe Defendants are dismissed.

This action was (*check one*):

☐ tried by Judge \_\_\_\_\_ without a jury and the above decision  
was reached.

☒ decided by Judge Rosanna Malouf Peterson \_\_\_\_\_ on a motion for  
summary judgment (ECF No. 24).

Date: 2/13/2017

CLERK OF COURT

SEAN F. McAVOY

s/ Lennie Rasmussen

(By) Deputy Clerk

Lennie Rasmussen